

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

FERMAN J. WRIGHT,	:	CIVIL ACTION NO. 1:06-CV-0088
	:	
Petitioner	:	(Judge Conner)
	:	
v.	:	
	:	
HON. PRESIDENT JUDGE JOHN WALKER,	:	
	:	
Respondent	:	

ORDER

AND NOW, this 23rd day of January 2006, upon consideration of the petition for writ of mandamus (Doc. 1), in which petitioner seeks to compel commencement of his habeas corpus hearing in a Pennsylvania state court, and it appearing that the federal statute applicable to mandamus relief provides that the district court has original jurisdiction of any action in the nature of mandamus to compel any officer or employee of the United States or any agency thereof to perform a duty owed to petitioner, 28 U.S.C. § 1361, and it further appearing that since petitioner is seeking to compel a state official to perform a duty, there is no proper jurisdiction under Section 1361, or any other federal statute¹, it is hereby ORDERED that:

1. The application for leave to proceed *in forma pauperis* (Doc. 2) is GRANTED for the sole purpose of filing the petition.

¹Petitioner cites to 28 U.S.C. § 1651, which is a general “writs” statute, and a non-existent statute, 28 U.S.C. § 2292.

2. The petition for writ of mandamus (Doc. 1) is DISMISSED for lack of jurisdiction.
3. The Clerk of Court is directed to CLOSE this case.

/s/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge